

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PROMEGA CORPORATION,

Plaintiff,

v.

MAX-PLANCK-GESELLSCHAFT ZUR
FORDERUNG DER WISSENSCHAFTEN, E.V.,

Involuntary Plaintiff,

v.

LIFE TECHNOLOGIES CORPORATION,
INVITROGEN IP HOLDINGS, INC. and
APPLIED BIOSYSTEMS, INC.,

Defendants.

ORDER

10-cv-281-bbc

On July 20, 2011 at 9:00 a.m. a telephone hearing was held on plaintiff Promega Corporation's motion to compel discovery [Dkt. 193]. All parties were represented by counsel.

Plaintiff propounded its first request for production of documents on September 20, 2010 and its second request on April 6, 2011. Notwithstanding numerous requests from plaintiff, no documents were produced under either request until June 30, 2011 when a very small number of documents was produced. In addition, based on defendants' filings in response to this motion, no efforts to locate documents for production were undertaken until March 2011; nearly six months after the first request for production was made. Based on these facts, I conclude that plaintiff's motion to compel should be granted.

IT IS ORDERED that plaintiff's motion to compel the responses to its first and second requests for production of documents is GRANTED. Defendant shall have until August 3, 2011 to produce the documents in response to those requests. IT IS FURTHER ORDERED that defendant shall pay plaintiff's reasonable expenses, including attorneys fees, pursuant to Rule 37(A)(5)(a). Plaintiff may submit its expense request by July 27, 2011. Defendant may respond to that request by August 3, 2011.

Dated the 20th day of July, 2011.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Peter Oppeneer", is written over the printed name.

PETER A. OPPENEER

Magistrate Judge